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Attorneys for Plaintiff Barry Kliff



UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

BARRY KLIFF, an individual,  
 Plaintiff,

vs.

HEWLETT-PACKARD COMPANY,  
 a Delaware Corporation; and DOES 1  
 through 50, inclusive.  
 Defendants.

CASE NO. C-05-01438 JW

*Assigned to the Hon. James Ware*

STIPULATION TO PERMIT LEAVE TO  
 AMEND COMPLAINT; ~~PROPOSED~~  
 ORDER GRANTING LEAVE TO  
 AMEND

IT IS HEREBY STIPULATED by and between plaintiff Barry Kliff ("Plaintiff") and  
 defendant Hewlett Packard Company ("Defendant"), through their respective counsel of  
 record, follows:

1. The original complaint in this action was filed on April 5, 2005.

2. The pre-trial scheduling of this matter is set forth in the Court's Scheduling  
 Order dated August 3, 2005. The Preliminary Pre-trial and Trial Setting Conference is  
 currently set for October 23, 2006.

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1           3.       The parties participated in the Court-ordered Early Neutral Evaluation ("ENE")  
2 program on December 15, 2005. The ENE was unsuccessful in amicably resolving the  
3 dispute.

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5           4.       Both prior to and subsequent to the ENE, Plaintiff and Defendant's counsel have  
6 taken depositions of Plaintiff and certain of Defendant's witnesses. Further sessions of  
7 deposition are to be scheduled pursuant to agreement of counsel.

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9           5.       Plaintiff's counsel has forwarded to Defendant's counsel two drafts of a proposed  
10 First Amended Complaint which, among other things, deletes any reference to Yvonne Hunt  
11 as a "defendant" in the case. While defendant HP continues to deny and dispute the  
12 allegations set forth in the First Amended Complaint, the parties have "met and conferred" as  
13 precursor to Plaintiff filing a noticed Motion for Leave to Amend in order to obtain a Court  
14 order permitting amendment to the complaint. In lieu of filing such a motion, defendant HP  
15 has stipulated to permit the proposed amendments and intends to file an Answer thereto within  
16 20 days of the date on which an Order allowing leave to amend is entered.

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18           6.       The parties agree that the amendments to the Complaint will not delay or impede  
19 discovery or other pre-trial preparation of the case.

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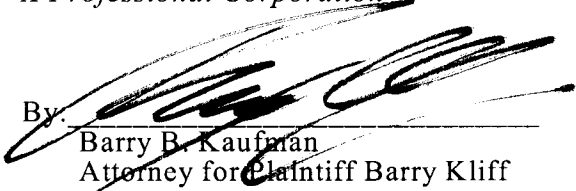
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1           7.       Accordingly, Plaintiff and Defendant jointly request that the Court enter an order  
2 granting Plaintiff leave to amend to file a First Amended Complaint in the same form as the  
3 draft recently forwarded to Defendant's counsel (a copy of which is attached hereto as  
4 Exhibit "A" and incorporated herein by this reference)..

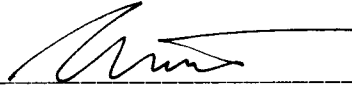
5  
6 Dated: April 18, 2006

LAW OFFICES OF BARRY B. KAUFMAN  
*A Professional Corporation*

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8  
9 By:   
Barry B. Kaufman  
Attorney for Plaintiff Barry Kliff

10  
11  
12 Dated April 27, 2006

MORGAN, LEWIS & BOCKIUS LLP

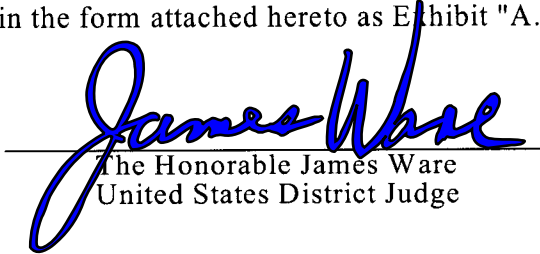
13  
14 By:   
Alexander Nestor  
Attorney for Defendant Hewlett-Packard  
Company

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20 **ORDER**

21 IT IS SO ORDERED. Plaintiff shall be (and hereby is) afforded leave to amend to  
22 file his First Amended Complaint in the form attached hereto as Exhibit "A."

23 MAY 30

24 Dated: ~~April~~ MAY 30, 2006

25   
The Honorable James Ware  
United States District Judge